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ADMINISTRATIVE REGULATION  
NUMBER 208

OPR: PERSONNEL

## EMPLOYEE STANDARDS OF CONDUCT AND DISCIPLINE

### I. GENERAL

This Alabama Department of Corrections (ADOC) Administrative Regulation (AR) establishes responsibilities, policies, and procedures concerning employee behavior/work performance and provides a guide to implement disciplinary action when necessary.

### II. POLICY

It is the policy of ADOC that employees maintain the highest level of behavior and efficiency, reflect the best image of public service, and uphold with integrity the public confidence entrusted in them. If an employee's behavior or performance does not comply with these standards, progressive discipline shall be utilized to correct unsatisfactory work performance and employee misconduct.

### III. DEFINITION(S) AND ACRONYM(S)

- A. Active Corrective Action: A corrective action issued within the previous 12 month period.
- B. Appointing Authority: ADOC Commissioner.
- C. Counseling Session: An informal corrective tool used to advise, counsel, or coach an employee regarding undesirable behaviors in lieu of initiating formal disciplinary procedures.
- D. Discipline: The imposition of sanctions for the purpose of correcting or changing undesirable behaviors.
- E. Dismissal: A step in the formal progressive discipline process in which the employee is discharged from employment for unsatisfactory job performance or misconduct.
- F. Due Process: For the purposes of this AR, affording an employee the opportunity to respond prior to imposing discipline. Depending on the level of discipline, this should include allowing the employee to provide written comments, rebuttal, or a due process hearing.
- G. Employee: For the purpose of this regulation, any person employed by the ADOC as a full-time, part-time, or temporary employee. All other persons such as contractors, vendors, and volunteers are also subject to the ADOC's Standards of Conduct and this regulation, and failure to adhere to these regulations may result in being removed and/or barred from an ADOC institution/division.

- H. Employee 201 File: An employee's personnel file that is maintained at ADOC Personnel. The institution/division version shall be referred to as the Employee Personnel Institution/Division File.
- I. Employee Institution/Division File: An employee's personnel file maintained at the institution/division.
- J. Family Member: For the purposes of this regulation, an employee's spouse, child, stepchild, grandchild, parent, grandparent, sibling, aunt, uncle, mother-in-law, father-in-law, brother-in-law, sister-in-law or any known relative.
- K. Formal Discipline: Includes the following steps of discipline: Warning, Written Reprimand, Suspension, Involuntary Demotion, or Dismissal.
- L. Hearing Officer: Wardens or other employees designated by the ADOC Commissioner.
- M. Inactive Corrective Action: A corrective action that was finalized/served on an employee more than 12 months prior to the action being contemplated.
- N. Informal Discipline: Counseling Session.
- O. Inmate: Any person committed to the custody of the ADOC to serve a state prison sentence.
- P. Involuntary Demotion: A step in the formal progressive discipline process in which the employee is assigned to a position in a lower classification for failure to satisfactorily meet the job expectations of a higher assigned classification.
- Q. Job Abandonment: Three (3) consecutive days of unexcused absences where the employee fails to call in or report for duty and there is no supervisory contact with the employee.
- R. Legal Counsel: For the purposes of this regulation, an attorney licensed to practice law in the State of Alabama or a person designated by the employee.
- S. Presenting (Charging) Official: Wardens/Division Directors, or designees, who charges an employee with a disciplinary infraction and subsequently presents the charge to a Hearing Officer or other appropriate person designated under this regulation.
- T. Progressive Discipline: The process of administering corrective actions in a step format that allows an employee an opportunity to change undesirable behavior.
- U. Sexual Misconduct: Any behavior or act of a sexual nature directed toward an employee, volunteer, visitor, inmate, or agency representative. This includes but is not limited to:
1. Acts or attempts to commit such acts as sexual assault, sexual abuse, sexual harassment, sexual contact, actions designated for the gratification of any party, conduct of a sexual nature or implication, obscenity and unreasonable invasion of privacy.
  2. Conversations or correspondence, which suggests a romantic or sexual relationship between any parties mentioned above.
  3. Any act of sexual conduct as described in Code of Alabama 1975, Section 14-11-30.

- V. Suspension: A step in the formal progressive discipline process that places the employee in an inactive work status without pay for a specific period of time.
- W. Tardy: Arriving at duty/work station after the start of assigned duty/shift starting time without prior supervisory approval. Employees more than seven (7) minutes late shall also be placed in leave (paid or unpaid) status.
- X. Unexcused Absence: Reporting to work later than two (2) hours after the start of assigned duty/shift time without prior supervisory approval.
- Y. Warning: A step in the formal progressive discipline process that admonishes undesirable behaviors.
- Z. Working days: For the purpose of this regulation in establishing timeframes for processing disciplinary actions, Monday through Friday, excluding state holidays.
- AA. Written Reprimand: A step in the formal progressive discipline process that censures undesirable behaviors.

#### IV. RESPONSIBILITIES

- A. The Commissioner shall:
  - 1. Ensure that ADOC employees are held accountable for their behavior in a fair and consistent manner.
  - 2. Through his/her duty as the appointing authority, act on recommendations for formal corrective actions at the level of Written Reprimand through Dismissal. The Commissioner may designate a Deputy Commissioner or Institutional Coordinator the authority to authorize a Written Reprimand.
- B. The Personnel Division Director shall be responsible for ensuring that:
  - 1. The standards of conduct and discipline policy for the ADOC is consistent with State Personnel policy and applicable employment laws.
  - 2. All corrective actions submitted by ADOC Wardens/Division Directors at the level of Written Reprimand through Dismissal are carried out in a timely, consistent, and fair manner.
- C. Wardens/Division Directors shall ensure that:
  - 1. All new employees are thoroughly orientated as to the content of this regulation, and that all ADOC employees under his/her supervision review this regulation at least once annually.
  - 2. The concept of progressive discipline is applied fairly, consistently, and in a timely manner.
  - 3. A copy of this regulation is posted on employee accessible bulletin boards.

4. Service in the capacity of hearing officer is provided as scheduled by the Personnel Division.
- D. The General Counsel is responsible for ensuring that ADOC disciplinary procedures comply with applicable laws and providing legal representation of the ADOC and its employees, when appropriate.
- E. It is the responsibility of all employees to adhere to the contents of this regulation.

**V. PROCEDURES**

- A. All ADOC employees shall adhere to the following standards:
  1. Report for work on time and in a condition to perform their job properly.
  2. Render full, efficient, and industrious service.
  3. Respond promptly to directions and instructions of supervisor.
  4. Exercise courtesy and tact.
  5. Maintain a clean and neat appearance.
  6. Protect and conserve funds, property, equipment and materials.
  7. Observe all laws, rules and regulations.
  8. Uphold, with integrity, the public's trust involved in their position.
  9. Prevent any abuse of authority attached to the use of a badge that does not relate to a correctional officer performing and executing his/her duties in accordance with Title 14, Code of Alabama 1975, as amended.
  10. Immediately inform and provide a written report to the Warden/Division Director regarding any incident of arrest or conviction of a felony or misdemeanor (except minor traffic violations), arrest/conviction for Driving Under the Influence and any requirement to appear as a defendant in a criminal court.
  11. Obtain prior approval from the Warden/Division Director before becoming financially involved with an inmate.
  12. Promptly report any incidents of sexual misconduct.
  13. Report all instances when the ability to supervise a subordinate employee is affected by a personal and/or non-working relationship with that employee.
  14. Notify the Warden/Division Director immediately and follow the inmate visiting regulations when a family member is incarcerated in the ADOC.
  15. Complete a written report (ADOC Form 302-A, Incident Report) of all unusual incidents that occur during a tour of duty.

16. Submit to a personal search whenever required by the proper authority. This search may also be extended to the employee's personal property and vehicle located on ADOC owned or state-owned property.
  18. Obtain approval for any absence from work. Tardiness, failure to follow proper call-in procedures, and unexcused absences shall subject the employee to disciplinary action.
  19. Submit to drug testing as required by AR 227, Controlled Substance Testing for Employees of the Alabama Department of Corrections.
  20. Cooperate with investigations to include, but not limited to, providing information or verbal/written statements in connection with employment, investigation, or incident reports.
- B. Each employee's conduct shall, at all times, be consistent with the maintenance of proper security and welfare of the institution and of the inmates under his/her supervision.
- C. Employees shall **not**:
1. Report for duty or exercise supervision or control over inmates while under the influence of an intoxicant and/or illegal drug.
  2. Report for duty or exercise supervision or control over inmates while under the influence of a narcotic, barbiturate, hallucinogenic drug, central nervous system stimulant or depressant. Exceptions may be made only for medications that have been prescribed by and are taken under a doctor's care, and only if such medications do not impair the employee in performing his/her required job duties (the employee's supervisor shall be notified prior to the beginning of the tour of duty in these instances).
  3. While on duty, use or be under the influence of intoxicants or illegal drugs.
  4. Use profane, abusive, or threatening language in communication with other employees, the public, or when supervising inmates.
  5. Abuse inmates in any manner.
  6. Trade, barter, or accept a gift from or give a gift to an inmate, an inmate's family, or any other person on behalf of that inmate, or those on parole.
  7. Correspond or fraternize socially with an inmate or an inmate's family, unless approved by the Warden/Director of the employee and of the inmate.
  8. Show partiality toward or become emotionally involved with an Alabama State inmate or parolee.
  9. Take any article or property whatsoever from any institution or from state property not specifically authorized by regulation.
  10. Introduce into any institution or bring upon an ADOC state property any article or property that is not authorized by written directive nor has the approval of the Warden/Division Director.

11. Recommend or furnish any advice concerning the selection of a specific lawyer for an inmate.
  12. Carry any weapon, chemical agents, or ammunition into the institution or on the grounds of any ADOC state property, except as authorized by the Warden/Division Director.
  13. Have keys to any area of an ADOC facility without authorization.
  14. Abuse sick leave. (Refer to AR 220, Departmental Leave)
  15. Deliberately or carelessly misuse state equipment or supplies resulting in loss or damage.
  16. Disregard ADOC procedures concerning the proper conduct and notification when family members are incarcerated in the Alabama Prison System. (Refer to AR 318, Staff/Inmate Relationships)
  17. Apply physical force to an inmate, except and only to the degree that is reasonably necessary in self-defense, to prevent an escape, to prevent an injury to a person or the destruction of property, to quell a disturbance, or to restrain an inmate who exercises physical resistance to a lawful command. (Refer to AR 327, Use of Force)
  18. Use ADOC owned property or any state-owned property for his/her personal use without the approval of the Commissioner.
  19. Provide any information relative to the ADOC to any source including newspapers, radio, television, or any other source or agency except as directed by ADOC regulations. (Refer to AR 005, Public and Community Relations)
  20. Provide false information, alter an investigation or incident report, and/or intentionally omit facts pertinent to the inquiry.
- D. Security employees, except by the written approval of the ADOC Commissioner, shall be prohibited from engaging in law enforcement or investigative work.
- E. Employees shall be subject to disciplinary action for falsifying or failure to sign documents in connection with the application process, their job duties, performance evaluation, or a departmental requirement.
- F. A security employee shall be subject to dismissal action for the conviction of an offense that disqualifies him/her from employment as a law enforcement officer under the Alabama Peace Officers Standards and Training Commission Rules and Regulations (Title 36, Code of Alabama, 1975).
- G. **Employee Discipline**--Employee discipline shall consist of both formal and informal procedures.
1. A history of all formal corrective actions shall be recorded on ADOC Form 208-A, Corrective Action History Record, for each employee.

2. Formal corrective actions shall be indicated on the Corrective Action History Record as the date notified by letter from the ADOC Commissioner/Warden/Division Director.
3. The Corrective Action History Record shall be retained in the employee's 201 file and Institution/Division file as the first (top) record on the left side of the folder in chronological order with the latest date on top.
4. When implementing or recommending formal discipline, the Warden/Division Director shall consider active and inactive corrective actions received by the employee as indicated below:
  - a. Warning - Only active corrective actions.
  - b. Written Reprimand - Only active corrective actions.
  - c. Suspension - Only active corrective actions.
  - d. Involuntary Demotion - All active and inactive corrective actions.
  - e. Dismissal - All active and inactive corrective actions.
5. Formal discipline shall be indicated on the employee's Performance Appraisal Form for the rating period in which the action was received as follows:
  - a. A warning shall be indicated for the appropriate non-compliance area in the Work Habits Section and a zero (0) disciplinary score shall be annotated on the form.
  - b. A seven-point (7) disciplinary score shall be deducted from the employee's responsibility score on the appraisal form if a Written Reprimand was received during the rating period.
  - c. A seventeen-point (17) disciplinary score shall be deducted from the employee's responsibility score on the appraisal form if a Suspension was received during the rating period.
  - d. Only a disciplinary score for the highest corrective action that the employee received within a rating period shall be deducted from the responsibility score on the Performance Appraisal Form. Supervisors shall not combine scores for various disciplines.

#### **H. Informal Corrective Action--Counseling Session**

1. The Counseling Session, ADOC Form 208-B, is an informal corrective tool that shall be conducted between the supervisor and the subordinate.

2. The Warden/Division Director may review the Counseling Session prior to the document being served on the employee.
3. The Counseling Session shall be conducted in a private setting without embarrassment to the employee.
4. A record of informal corrective actions shall not be maintained or annotated in the employee's 201 file or the Institution/Division file. A record of informal corrective actions may be retained in a separate file for training purposes and supervisory reference.
5. During the Counseling Session, the supervisor shall provide counseling to the employee, assist the employee in identifying unacceptable behaviors, and offer specific ways or opportunities in which the employee can correct/improve the undesired behavior.
6. The Warden/Division Director may delegate the authority to conduct informal corrective action sessions to subordinate supervisors.

**I. Formal Corrective Action- Warning**

1. The Counseling Session/Warning, ADOC Form 208-B, shall be submitted to the Warden/Division Director for approval prior to being served on the employee.
2. The supervisor shall, along with the Warden/Division Director, serve the Warning in a private setting without embarrassment to the employee.
3. The employee shall be informed of the specific offense and given the opportunity to explain and suggest ways in which his/her behavior can be improved.
4. The employee's response shall be annotated on the form in the designated area.
5. A copy of the completed form shall be given to the employee, a copy placed in the employee's institution/division file, and a copy shall be forwarded to the ADOC Personnel Division for inclusion in the Employee 201 file.

**J. Formal Corrective Action-Written Reprimand**

1. The Warden/Division Director should complete and submit ADOC Form 208-C, Written Reprimand, to the ADOC Personnel Director before the written reprimand is served on the employee. The written reprimand should be filed with the ADOC Personnel Director within ten (10) working days from the date of the incident or at the conclusion of all outside investigations. Upon submission of written justification, an extension of time may be granted, for cause, by the Deputy Commissioners.
2. The ADOC Personnel Division should have twenty (20) working days to review and process the action and forward all documents to the appropriate parties (i.e. Commissioner's designee, Deputy Commissioners, Institutional Coordinator, Division Directors) for review and approval to serve on the employee. The review and approval by the Commissioner's designee, Deputy Commissioners, Institutional Coordinators, and Division Directors shall include ensuring the proposed action is procedurally correct and in accordance with this regulation and within the range of punishment set



out in this regulation. This review and approval does not include the merits or underlying factual allegations of the action.

3. If the written reprimand stands, the Warden/Division Director shall conduct the written reprimand in a private setting without embarrassment to the employee. The Warden/Division Director shall inform the employee of the specific offense and give the employee an opportunity to respond.
4. The Warden/Division Director should inform the employee that after receipt of the Written Reprimand the employee has five (5) working days to submit a written rebuttal.
5. The Warden/Division Director should consider the employee's rebuttal and shall inform the employee in writing whether the written reprimand will stand. If the Warden/Division Director, after reviewing the rebuttal, determines that the written reprimand is unwarranted, the Warden/Division Director shall notify the employee and the ADOC Personnel Director, and the written reprimand shall be expunged from all records.
6. The written reprimand shall stand if the employee fails to submit a written rebuttal within the allotted five-day (5) working day's timeframe.
7. A copy of the written reprimand including the employee's rebuttal statement and the Warden/Division Director's response to the rebuttal shall be placed in the employee's institution/division file and a copy shall be forwarded to the ADOC Personnel Division for inclusion in the employee's 201 file.

**K. Formal Corrective Action -Suspension**

1. The maximum number of days an employee can be suspended is twenty (20) working days per infraction. An employee cannot be suspended for more than thirty (30) calendar days per 12-month period.
2. The Presenting (Charging) Official should submit AR 208 Annex A, Sample Notice of Recommendation for Suspension, through the ADOC Personnel Director for review and concurrence by the appropriate Deputy Commissioner and/or Division Director. The Notice of Recommendation for Suspension should be submitted to the ADOC Personnel Director within ten (10) working days from the date of the incident or at the conclusion of all outside investigation. The review and concurrence by the appropriate Deputy Commissioner and/or Division Director shall include ensuring the proposed action is procedurally correct and in accordance with this regulation and within the range of punishment set out in this regulation. This review and approval does not include the merits or underlying factual allegations of the action. The written notice of suspension must state the charges in sufficient detail to permit the employee to prepare for the hearing.
3. The ADOC Personnel Division should have twenty (20) working days to review the action and forward all documents to the appropriate parties (i.e. Commissioner's designee, Deputy Commissioners, Institutional Coordinator, Division Directors) for review and approval to serve on the employee. The review and concurrence by the appropriate Deputy Commissioner and/or Division Director shall include ensuring the proposed action is procedurally correct and in accordance with this regulation and within the range of punishment set out in this regulation. This review and approval does not include the merits or underlying factual allegations of the action.

4. Upon receipt of this information from the ADOC Personnel Division, the Presenting (Charging) Official/designee should have three (3) working days to serve the Notice of Recommendation for Suspension on the employee unless the employee is not available.
5. After the employee has been served, he/she will be scheduled for a hearing by the ADOC Personnel Division. The employee may elect to waive a hearing, ADOC Form 208-D, Employee Hearing Waiver, and accept the action recommended by the Warden/Division Director, subject to approval by the Commissioner.
  - a. Hearing Officers may include Wardens or other employees designated by the ADOC Commissioner. The person designated will conduct a hearing to receive information in support of and against the reasons for the suspension. This person will evaluate the information and make a recommendation to the Commissioner.
  - b. The hearing will be tape-recorded and the Presenting (Charging) Official shall retain the tape for two (2) years for future reference at the Warden/Division office.
  - c. The employee may have legal counsel participate at the hearing at their own expense, and may call witnesses who have direct knowledge of the actions/incidents upon which the charges are based. Employees may also present evidence during the hearing.
  - d. The Hearing Officer should, within ten (10) working days following the hearing, forward a typed copy of the hearing proceedings to the ADOC Personnel Division. The format reflected in AR 208 Annex B, Record of Administrative Hearing, shall be followed.
6. After considering the recommendation of the Presenting (Charging) Official, information presented during the hearing, and the findings of the hearing officer, the Commissioner may:
  - a. Approve/Disapprove the suspension recommendation of the Charging Official.
  - b. Direct that a different corrective action be taken to include an increase or decrease of punishment.
  - c. Direct a new hearing on the matter.
7. The Commissioner shall render the final decision regarding a suspension recommendation.
8. Upon approval of a suspension, the ADOC Personnel Division shall contact the Warden/Division Director for a list of potential suspension dates.
9. The ADOC Personnel Division will prepare the suspension letter for the Commissioner's signature. After the Commissioner has signed the suspension letter, the suspension letter will be forwarded to the Warden/Division Director to be served on the employee. The letter shall be served to the employee in a private setting.

10. The suspension letter shall be given to the employee, a copy of the letter with the employee's dated signature and acknowledged receipt shall be forwarded to the ADOC Personnel Division and a copy shall be retained in the employee's Institution/Division 201 file.

**L. Formal Corrective Action-- Involuntary Demotion**

1. Demotions may occur with the approval of the appointing authority and State Personnel under the following circumstances. Wardens/Division Directors may recommend an employee be demoted after a thorough review of the employee's work history, annual evaluations, and disciplinary actions.
  - a. Employees may voluntarily request a demotion to a lower classification.
  - b. Involuntary demotions may occur during a departmental layoff.
  - c. The appointing authority may direct a demotion to a job classification more comparable to the employee's level of performance. In cases where demotions are directed, the appointing authority may use this action in lieu of dismissal or when it's deemed necessary for the good of the ADOC.
2. The Warden/Division Director shall submit AR 208 Annex C, Sample Notice of Intent to Recommend Demotion, to the ADOC Personnel Director for review and administrative approval and concurrence by the appropriate Deputy Commissioner and/or Institutional Coordinator. The Notice of Intent to Recommend Demotion should be submitted to the ADOC Personnel Division Director within ten (10) working days from the date of the incident or at the conclusion of all outside investigations. The administrative approval and concurrence by the appropriate Deputy Commissioner and/or Division Director shall include ensuring the proposed action is procedurally correct and in accordance with this regulation and within the range of punishment set out in this regulation. This review and approval does not include the merits or underlying factual allegations of the action.
3. The ADOC Personnel Division should have twenty (20) working days to review and process the action and forward all documents to the appropriate parties (Commissioner's designee, Deputy Commissioners, Institutional Coordinator, and Division Directors) for review and approval to serve on the employee.
4. Once the ADOC Personnel Division has received the approval, changes, and/or comment(s) back from the reviewing parties, the ADOC Personnel Division shall email the Presenting (Charging) Official of the approval and/or changes. Upon receipt of this information from the ADOC Personnel Division, the Presenting (Charging) Official shall have three (3) working days to serve the Notice of Intent to Recommend Demotion on the employee unless changes are to be made. If changes are to be made the Warden/Division Director will be advised by the ADOC Personnel Division.
5. After the employee has been served, the ADOC Personnel Division will schedule him/her for a hearing. The employee may elect to waive a hearing, ADOC Form 208-D, Employee Hearing Waiver, and accept the action recommended by the Warden/Division Director, subject to approval by the Commissioner.

- a. Hearing Officers may include Wardens or other employees designated by the ADOC Commissioner.
  - b. The hearing will be tape-recorded and the Presenting (Charging) Official shall retain the tape for two (2) years for future reference.
  - c. The employee may have legal counsel participate at the hearing.
  - d. The Presenting (Charging) Official should, within ten (10) working days following the hearing, forward a typed copy of the hearing proceedings to the ADOC Personnel Division. The format reflected in AR 208 Annex B, Record of Administrative Hearing, shall be followed.
  - e. The Presenting (Charging) Official shall also include a cover letter to the ADOC Commissioner indicating whether or not the recommendation to involuntarily demote the employee stands, or recommends a different course of action.
6. After considering the recommendation of the appropriate Deputy Commissioner, Institutional Coordinator, and the ADOC Personnel Division Director, information presented during the hearing, and the findings of the hearing Warden, the Commissioner may:
  - a. Approve/Disapprove the demotion recommendation of the Presenting (Charging) Official.
  - b. Direct that a different corrective action be taken to include an increase or decrease of the punishment.
  - c. Direct a new hearing on the matter.
7. The Commissioner shall render a departmental decision regarding the intention to demote. This action is subject to the approval of the Director of State Personnel.
8. Upon approval of the demotion, the ADOC Personnel Division will prepare the demotion letter for the Commissioner's signature. After the Commissioner has signed the letter, the demotion letter will be forwarded to the Warden/Division Director to serve on the employee. The letter shall be served to the employee in a private setting. This letter should specifically advise the employee that he/she has a right to appeal this action to the State Personnel Director within ten (10) days.
9. The demotion letter shall be given to the employee, a copy of the letter with the employee's dated signature and acknowledged receipt shall be forwarded to the ADOC Personnel Division and a copy shall be retained in the employee's Institutional/Divisional 201 file.
10. The employee shall be informed of the requirement that the Director of State Personnel reviews and approves demotions. The Director shall make such investigation of the circumstances as he/she may consider necessary and then, not later than ten (10) days after the receipt of the notice of the intention to demote the employee, shall either approve the demotion, approve the transfer of the employee to a position under a jurisdiction of another appointing authority, or order a hearing before the Personnel Board or a hearing examiner to determine the merits of the proposed action.

**M. Formal Corrective Action- Dismissal**

1. The Warden/Division Director shall submit Annex D, Sample Notice of Pre-Dismissal Conference, to the ADOC Personnel Division Director for review and administrative approval prior to being served on the employee. The Notice of Pre-Dismissal Conference letter should be submitted to the ADOC Personnel Director within ten (10) working days from the date of the incident or at the conclusion of all outside investigations.
2. The ADOC Personnel Division should have twenty (20) working days to review the action and forward all documents to the appropriate parties (Commissioner's designee, Deputy Commissioners, Institutional Coordinator, and Division Directors) for review and approval to serve on the employee. The review and approval by the appropriate Commissioner's designee, Deputy Commissioner, Institutional Coordinator, or Division Director shall include ensuring the proposed action is procedurally correct and in accordance with this regulation and within the range of punishment set out in this regulation. This review and approval does not include the merits or underlying factual allegations of the action.
3. Once the ADOC Personnel Division has received the approval, changes, and/or comments back from the reviewing parties, ADOC Personnel shall email the Warden/Division Director of the approvals and/or changes. Upon receipt of this information from the ADOC Personnel, the Warden/Division Director should have three (3) working days to serve the Notice of Pre-Dismissal Conference letter on the employee, unless changes are to be made. If changes are to be made the Warden/Division Director will be advised by the ADOC Personnel Division.
4. After the employee has been served, he/she will be scheduled for a pre-dismissal conference with the Warden/Division Director. The pre-dismissal conference should be held at least five (5) working days after the employee's receipt of the Notice of Pre-Dismissal Conference letter. The purpose of this conference is to allow the employee to respond to the charges, explaining his/her side of the alleged charges. The employee may resign in lieu of attending the pre-dismissal conference (refer to Annex F, Sample Resignation from Employment). The discussion is informal. The employee is allowed to present written statements of witnesses or any other information with regard to the charges. With exception of representation, attendance and participation by persons other than recommending officials and employee is at the discretion of the recommending official.
5. The Warden/Division Director should, within three (3) working days, forward the typed Annex E, Sample Summary of Pre-Dismissal Conference, and all documents pertaining to the conference to the ADOC Personnel Division.
6. After considering the recommendation of the Warden and the information presented during the pre-dismissal conference, the Commissioner may:
  - a. Approve/Disapprove the dismissal recommendation of the Presenting (Charging) Official.
  - b. Direct that a different corrective action be taken to include a decrease in the punishment.

7. The Commissioner shall render a departmental decision regarding the intention to dismiss if the employee has permanent status. If the employee is a probationary employee, the Commissioner shall render the final decision on the dismissal.
  8. Upon approval of the dismissal, the ADOC Personnel Division should prepare the dismissal letter for the Commissioner's signature. After the Commissioner has signed the letter, the dismissal letter will be forwarded to the Warden/Division Director to serve on the employee. The letter shall be served to the employee in a private setting.
  9. The dismissal letter shall be given to the employee, a copy of the letter with the employee's dated signature and acknowledged receipt shall be forwarded to the ADOC Personnel Division and a copy shall be retained in the employee's Institution/Division file.
  10. All permanent status employees will be advised, in their dismissal letter, that they should have ten (10) days from receiving written notice of the dismissal to appeal the dismissal before the State Personnel Board.
  11. Under the provisions of Rule of the State Personnel Board, 670-X-18-.02, a permanent employee who has been dismissed may, within ten days after receiving written notice, appeal the dismissal by filing a written answer to the charges with the State Personnel Director, 64 North Union, Montgomery, AL, 36130.
- N. Nothing in this regulation is intended to abrogate authority granted the Commissioner under Section 36-26-27, Code of Alabama, 1975, and 670-X-18-.02, Rules of the State Personnel Board.
- O. The Annex H table, Table of Infractions/Level of Discipline, is intended to promote consistent discipline within the ADOC and guide supervisors at all levels when the imposition of discipline becomes necessary. At times, there are mitigating or aggravating circumstances surrounding the infraction, and as such, the appropriate level of discipline may be increased or decreased in relation to the table. To maintain consistency, the imposition of discipline that does not correspond with the table must be fully justified in writing and submitted to the ADOC Personnel Director who shall confer with the appropriate Deputy Commissioner. The Warden/Division Director requesting this variance shall be notified by the ADOC Personnel Director of the decision.
- P. When the circumstances warrant, and an infraction can be effectively disciplined with informal discipline, a Counseling Session may be substituted in the sections of the table below where a Warning is listed. If the behavior is repeated and there is an active corrective action that was handled via a Counseling Session, the typical course of action would be to impose a Warning.
- Q. If the employee is in a job classification, which allows for an involuntary demotion, a recommendation for an involuntary demotion may be considered as an appropriate level of discipline when mitigating or aggravating circumstances exist.
- R. Job Abandonment – Three (3) consecutive days of unexcused absences where the employee fails to call in or report for duty and there is no supervisory contact with the employee.
1. An employee who abandons his/her job shall not be allowed to return to work.

2. The Warden/Division Director shall submit Annex G, Sample Job Abandonment Letter, by certified mail (return receipt requested) to the employee.
3. If the employee does not respond within seven (7) calendar days, the Warden/Division Director shall notify the ADOC Personnel Director and submit substantiating documentation.
4. The ADOC Personnel Director shall prepare a letter of dismissal and forward it through channels for approval/signature by the Commissioner.

## **VI. DISPOSITION**

Any forms will be disposed of and retained according to the Departmental Records Disposition Authority (RDA).

## **VII. FORMS**

- A. ADOC Form 208-A, Corrective Action History Record
- B. ADOC Form 208-B, Counseling Session/Warning
- C. ADOC Form 208-C, Written Reprimand
- D. ADOC Form 208-D, Employee Hearing Waiver

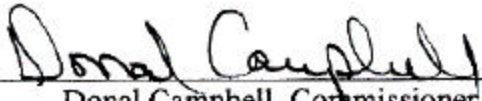
## **VIII. SUPERCEDES**

This regulation supercedes AR 208, dated July 26, 2000, and AR 207, dated May 11, 2004, and all changes thereafter. The portion of ADOC AR 220, Departmental Leave Policy, describing levels of discipline for tardiness and unexcused absences was also placed in this AR.

## **IX. PERFORMANCE**

This administrative regulation updates departmental policies and procedures pertaining to employee discipline and is based on, but not limited to, the interpretation and application of the regulations and laws, as amended below:

- A. Code of Alabama, 1975, Title 36 and Title 14-11-30, as amended
- B. Rules of the State Personnel Board
- C. ADOC Administrative Regulations 005, 206, 217, 220, 227, 228, 318, and 327.

  
\_\_\_\_\_  
Donal Campbell, Commissioner

## **ANNEX(S):**

Annex A – Sample: Notice of Recommendation for Suspension

Annex B - Record of Administrative Hearing

Annex C – Sample: Notice of Intent to Recommend Demotion

Annex D – Sample: Notice of Pre-Dismissal Conference

Annex E – Sample: Summary of Pre-Dismissal Conference

Annex F – Sample: Resignation from Employment

Annex G – Sample: Job Abandonment Letter

Annex H - Table of Infractions/Level of Discipline



**ALABAMA DEPARTMENT OF CORRECTIONS**  
**CORRECTIVE ACTION HISTORY RECORD**

Name	SSN (Last 4 digits only)	Date Employed
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[illegible]

**ALABAMA DEPARTMENT OF CORRECTIONS  
COUNSELING SESSION**

\_\_\_\_\_COUNSELING SESSION-INFORMAL      \_\_\_\_\_WARNING-FORMAL (CHECK APPROPRIATE BLANK)

EMPLOYEE: \_\_\_\_\_ DATE IMPOSED: \_\_\_\_\_

CLASSIFICATION: \_\_\_\_\_ SSN: \_\_\_\_\_  
(Last four digits only)

REASON FOR THIS ACTION (CITE EMPLOYEE'S ACTION(S) AND RULES AND REGULATIONS VIOLATED): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WAS EMPLOYEE AWARE OF RULES AND REGULATIONS VIOLATED?

\_\_\_\_\_ YES                      \_\_\_\_\_NO

GUIDELINES FOR CORRECTIVE ACTION WHICH WERE GIVEN TO EMPLOYEE:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NATURE OF RESPONSE BY EMPLOYEE: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A WARNING IS CONSIDERED A PRELIMINARY DISCIPLINARY ACTION AND DOES NOT RESULT IN A PENALTY; HOWEVER, IT WILL APPEAR ON EMPLOYEE'S ANNUAL EVALUATION.

\_\_\_\_\_  
EMPLOYEE'S SIGNATURE & DATE

\_\_\_\_\_  
SUPERVISOR'S SIGNATURE & DATE

DISTRIBUTION: If Counseling Session Informal: Supervisory File and Employee  
If Warning: Original – ADOC Personnel Division  
Copy – Institution/Division File  
Copy – Employee

**ALABAMA DEPARTMENT OF CORRECTIONS  
WRITTEN REPRIMAND**

1. \_\_\_\_\_  
Employee – Print/Type (S.S.# Last 4 digits) Class/Title  
\_\_\_\_\_  
Institution/Division Date of Incident

2. Offense:  
\_\_\_\_\_  
\_\_\_\_\_

Specific citation of Administrative Regulation violated:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Facts related to offense (Specific details include times, dates, and locations.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_

**ALABAMA DEPARTMENT OF CORRECTIONS  
WRITTEN REPRIMAND (CONTINUED)**

Active corrective actions employee has received:

<u>Type</u>	<u>Offense</u>	<u>Date</u>

4. You may submit a written rebuttal within five (5) working days in response to this reprimand. Your Warden/Division Director shall consider the rebuttal and decide whether or not the reprimand is to stand. If the decision is to implement the reprimand, the Warden/Division Director will inform you and, only then, forward a copy to the ADOC Personnel Division for filing in your personnel file. A copy will also be attached to your performance appraisal and shall result in a seven-point (7) disciplinary score and shall be deducted from the responsibility score.

_____ WARDEN/DIVISION DIRECTOR - PRINT/TYPE	_____ DATE SERVED
_____ EMPLOYEE'S SIGNATURE	_____ DATE
_____ WARDEN/DIVISION DIRECTOR'S SIGNATURE	_____ DATE

**DISTRIBUTION:**

Original - ADOC Personnel Division  
Copy - Institution/Division File  
Copy - Employee

**ALABAMA DEPARTMENT OF CORRECTIONS  
EMPLOYEE HEARING WAIVER**

In accordance with Alabama Department of Corrections Administrative Regulation 208, I do hereby waive my rights to a due process hearing and accept:

\_\_\_\_\_ day(s) of suspension without pay      or      demotion to the job classification of \_\_\_\_\_.

as disciplinary action for the charge of \_\_\_\_\_.

This waiver is not made as a result of any coercion, duress, threat, or promise. I was offered a due process hearing under Department of Corrections Administrative Regulation 208.

\_\_\_\_\_  
SIGNATURE AND DATE

Sworn to and subscribed before me this the \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**DISTRIBUTION:**

Original – ADOC Personnel Division

Copy – Institution/Division File

Copy - Employee

## **SAMPLE: NOTICE OF RECOMMENDATION FOR SUSPENSION**

### **MEMORANDUM**

TO: EMPLOYEE

FROM: WARDEN/DIVISION HEAD

SUBJECT: Notice of Recommendation for Suspension

On June 7, 1997, at approximately 4:00 a.m., while making a security check Capt. Jones found you to be sleeping on your post. Capt. Jones observed you, in Dorm #12, sitting in a chair with your eyes closed asleep. Capt. Jones touched you on your shoulder and you opened your eyes in an incoherent manner.

Your action constitutes a violation of the following portions of ADOC Administrative Regulation 208, Employee Standards of Conduct and Discipline. You have been apprised of these standards of conduct and a copy of the regulation is posted on the bulletin board.

(Select the appropriate reference(s) in Administrative Regulation 208 that pertains to the incident and place here in numerical order.)

In reviewing this action and determining the appropriate punishment, I have considered AR 208, (Select the most appropriate offense(s) in Administrative Regulation 208 and assign a penalty).

A review of your service record reflects the following active corrective action(s):

(Place active corrective actions here in numerical order. If no active, please state.)

It is appropriate to convene a hearing under the provisions of AR 208 to receive my recommendation to suspend you from duty without pay for \_\_\_\_\_ days. The Hearing Officer will also consider your overall work record and length of service, as well as any information you present.

You will appear at a hearing to be scheduled at a later date. You may have someone to represent you, at your own expense. You may present information in your behalf and witnesses who have direct knowledge of the incident(s) resulting in this hearing. Character and multiple witnesses making the same statement are generally not allowed.

The ADOC Commissioner will receive and review the findings of the Hearing Officer, but is not bound by those findings. The Commissioner's decision is final with the ADOC.

You may choose to waive the hearing by completing ADOC Form 208-D at any time prior to the convening of the hearing and accept a suspension without pay for \_\_\_\_\_ day(s), subject to approval by the ADOC Commissioner. A suspension imposed through a waiver, or otherwise, includes a stipulation that an employee will not be recommended for promotion until the completion of one year of creditable service after the period of the suspension.

Employee acknowledgement of receipt: \_\_\_\_\_  
SIGNATURE DATE TIME

Witness: \_\_\_\_\_

**DISTRIBUTION:**

Original – ADOC Personnel Division

Copy – Institution/Division File

Copy – Employee

**ALABAMA DEPARTMENT OF CORRECTIONS  
RECORD OF ADMINISTRATIVE HEARING**

**Institution/Division:** \_\_\_\_\_

This hearing is hereby convened on \_\_\_\_\_ (date) at \_\_\_\_\_ am/pm under the authority of ADOC  
Administrative Regulation 208 dated \_\_\_\_\_ in the \_\_\_\_\_ (specify location) at  
\_\_\_\_\_(Institution/Division).

**Hearing Officer's name :** \_\_\_\_\_  
NAME

Job Title: \_\_\_\_\_

Institution or Assignment: \_\_\_\_\_

**Presenting (Charging) Official:** \_\_\_\_\_  
NAME

Job Title: \_\_\_\_\_

Institution or Assignment: \_\_\_\_\_

**Employee Being Charged:** \_\_\_\_\_  
NAME

Job Title: \_\_\_\_\_

Assignment: \_\_\_\_\_

Date of employment with ADOC: \_\_\_\_\_

Home Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_

Employee is/is not represented by counsel.

Counsel's name: \_\_\_\_\_

Office Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_



**ALABAMA DEPARTMENT OF CORRECTIONS  
RECORD OF ADMINISTRATIVE HEARING (CONTINUED)**

All witnesses are to be sworn in simultaneously or as each is called to provide testimony.

**WITNESSES:**

Called by Presenting Official:

(List each by name and job title. If non-ADOC employee, provide address and telephone number.)

Called by employee:

(List each by name and job title. If non-ADOC employee, provide address and telephone number.)

**CHARGES**

Hearing Official shall read the charges into the record or indicate that the employee waives the reading of the charges.

**PRESENTATION BY PRESENTING OFFICIAL**

Identify exhibits-- Assign each with distinguishing, sequential numbering (P-1, P-2, .....)

Witness testimony (summary)

Cross examination by Employee/counsel (summary)

**PRESENTATION BY EMPLOYEE:**

Identify exhibits-- Assign each with distinguishing, sequential numbering (E-1, E-2, .....)

Witness testimony (summary)

Cross examination by Presenting Official (summary)

**ALABAMA DEPARTMENT OF CORRECTIONS  
RECORD OF ADMINISTRATIVE HEARING (CONTINUED)**

**SUMMATION**

**PRESENTING OFFICIAL:**

**EMPLOYEE:**

(Excuse all participants for Hearing Officer deliberation.)

**REVIEW OF EMPLOYEE'S SERVICE RECORD:**

A review of the employee's service record reflects the following active disciplinary action(s). (If the hearing is for demotion, also list inactive disciplinary action(s).):

Most recent three appraisal scores (indicate rating period).

**FINDINGS OF THE HEARING OFFICER:**

The employee is found guilty/not guilty of the following ADOC AR 208 rule violations (Be specific and provide finding for each charge).

**Comments by Hearing Official:**

OPTIONS OF THE COMMISSIONER (shall be explained to the employee as provided in AR 208):

- A. May approve or disapprove the recommendation of the Hearing Officer.
- B. Direct that a different corrective action be taken to include an increases or decrease of punishment.
- C. Direct another hearing on the matter.

The hearing was concluded at \_\_\_\_\_ am/pm.

**AUTHENTICATION:**

\_\_\_\_\_  
SIGNATURE OF HEARING OFFICER      Date: \_\_\_\_\_

Attachments: (List)

**SAMPLE: NOTICE OF INTENT TO RECOMMEND DEMOTION**

**MEMORANDUM**

TO: EMPLOYEE

FROM: WARDEN/DIVISION HEAD

SUBJECT: Notice of Recommendation for Demotion

On or about March 24, 2005 during a shakedown you used excessive force upon an inmate in the presence of several subordinates. The inmate received serious injuries and was transported to a local hospital. You also falsified the incident report and instructed several subordinate officers to lie on their reports.

Your actions constitute violation of the following portion of the ADOC Administrative Regulation 208, Employee Standards of Conduct and Discipline. You have been apprised of these standards.

(Select the appropriate reference(s) in AR 208 that pertains to the incident and place here in numerical order.)

In determining the appropriate corrective action, I have considered the following ADOC references:

(Select the most appropriate offense(s) in Administrative Regulation 208 and assign a penalty.)

A review of your overall work record reflects no previous active corrective action.

After careful consideration of the matter and because of the seriousness of this incident, I am recommending that you be demoted to the classification of Correctional Officer II.

It is appropriate to convene a hearing under the provisions of AR 208 to receive my recommendation for demotion. The Hearing Officer will also consider your overall work record and length of service, as well as any information you present.

You will appear at a hearing to be scheduled at a later date. You may have someone to represent you at your own expense. You may present information on your behalf and witnesses who have direct knowledge of the incident(s) resulting in this hearing. Character and multiple witnesses making the same statement are generally not allowed.

The ADOC Commissioner will receive and review the recommendation of the Hearing Officer, but is not bound by the recommendation. If the Commissioner approves your demotion, a letter will be forwarded to you and the State Personnel Director regarding the effective date of demotion. You will also be notified in writing if the demotion is not approved.

You may choose to waive the hearing by completing ADOC Form 208-D at any time prior to the convening of the hearing and accept the demotion, subject to approval by the ADOC Commissioner.

Employee acknowledgement of receipt: \_\_\_\_\_  
SIGNATURE DATE TIME

Witness: \_\_\_\_\_

**DISTRIBUTION:**

Original – ADOC Personnel Division

Copy – Institutional/Divisional File

Copy - Employee

## SAMPLE: NOTICE OF PRE-DISMISSAL CONFERENCE

### MEMORANDUM

TO: EMPLOYEE

FROM: WARDEN/DIVISION HEAD

SUBJECT: Notice of Pre-Dismissal Conference

On March 24, 2005, it was reported that you assaulted another employee with a weapon. This threat was made in the presence of two other employees and several inmates.

Your actions constitute violations of the following portion of ADOC Administrative Regulation 208, Employee Standards of Conduct and Discipline. You were informed of these standards, and a copy of the regulation is posted on the bulletin board.

(Select the appropriate reference(s) in Administrative Regulation 208 that pertain to the incident and place here in numerical order.)

In determining the appropriate corrective action, I have considered the following ADOC reference(s):

(Select the most appropriate offense(s) in Administrative Regulation 208 and assign a penalty.)

A review of your record of performance reflects the following active and inactive corrective actions:

(List all previous (active and inactive) disciplinary actions here in numerical order, if no previous disciplinary actions please state.)

In accordance with Administrative Regulation 208, I have scheduled a pre-dismissal conference in my office on \_\_\_\_\_. This dismissal conference is for the purpose of allowing you to present information to me regarding the action under consideration; i.e., a chance for you to "tell your side of the story". You may present written statements of witnesses or any other information regarding these charges. You may, at your own expense, have representation present at this conference, but only as an observer, not a participant.

You may voluntarily resign in lieu of dismissal. However, it is highly probable that you will not be recommended for re-employment with the Department of Corrections.

Call this office if you have any questions.

Employee acknowledgement of receipt: \_\_\_\_\_  
SIGNATURE DATE TIME

Witness: \_\_\_\_\_

**Annex D to AR 208**

**SAMPLE: SUMMARY OF PRE-DISMISSAL CONFERENCE**

**MEMORANDUM**

TO: Commissioner

FROM: Warden/Division Head

On \_\_\_\_\_, I served the attached Notice of Intent to Recommend Dismissal on  
(Date)

\_\_\_\_\_.  
(Employee's Name)

On \_\_\_\_\_, at \_\_\_\_\_, Mr./Mrs.  
(Date) (Time)  
\_\_\_\_\_ and I met in my office at \_\_\_\_\_.  
(Employee Name) (Location)

Summary of the defense submitted by the employee:

\_\_\_\_\_  
Presenting (Charging) Official

Warden/Division Director Recommendation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Employee Name and Address

\_\_\_\_\_  
Telephone Number

**DISTRIBUTION:**

Original – ADOC Personnel Division

Copy – Institutional/Divisional File

Copy - Employee

### **SAMPLE: RESIGNATION FROM EMPLOYMENT**

In accordance with Department of Corrections Administrative Regulation 208, I do hereby waive my rights to a Pre-Dismissal Conference and resign my employment with the Alabama Department of Corrections effective immediately.

This resignation is not made as a result of any coercion, duress, threat, or promise. I was offered a pre-dismissal conference under the provisions of Department of Corrections Administrative Regulation 208.

I understand that with this voluntary resignation it is highly probable that I will not be recommended for re-employment with the Department of Corrections.

---

SIGNATURE AND DATE

Sworn to and subscribed before me this the \_\_\_\_\_ day of \_\_\_\_\_.

---

Notary Public

My Commission Expires: \_\_\_\_\_

#### **DISTRIBUTION:**

Original – ADOC Personnel Division

Copy – Institution/Division File

Copy - Employee

**Annex F to AR 208**

**SAMPLE: JOB ABANDONMENT LETTER**

Officer John Doe  
2121 Water Street  
Birmingham, AL 35612

Dear \_\_\_\_\_:

Attendance reports reflect that you were not at work for three (3) consecutive days, March 24-27, 2005. You were not on approved leave, and we did not receive any notification of your absence. There has been no supervisory contact relative to your work status. This constitutes job abandonment as defined by the State of Alabama Personnel Department for which dismissal is appropriate.

You have seven (7) calendar days from the date of this letter to provide information to this office that may preclude dismissal action.

Sincerely,

Warden \_\_\_\_\_

\_\_\_\_\_ Correctional Facility

**DISTRIBUTION:**

Copy - ADOC Personnel Division  
Copy - Institution/Division File

**Annex G to AR 208**



<b>Infraction</b>	<b>1st Offense</b>	<b>2nd Offense</b>	<b>3rd Offense</b>	<b>4th Offense</b>
1. Minor violations of Departmental or Institutional rules, policy, procedure that do not result in serious consequences	Warning	Written Reprimand	2 days suspension	Dismissal
2. Non-compliance with policies, procedures, and regulations	Warning	Written Reprimand	2 days suspension	Dismissal
3. Abuse or misuse of equipment, not causing damages	Warning	Written Reprimand	2 days suspension	Dismissal
4. Conviction of a minor traffic offense while driving a state or public use vehicle	Warning	Written Reprimand	2 days suspension	Dismissal
5. Unauthorized use of telephones, bulletin boards, or other state property	Warning	Written Reprimand	2 days suspension	Dismissal
6. Participation in unauthorized activity of a minor nature at the work place	Warning	Written Reprimand	2 days suspension	Dismissal
7. Late for work (tardiness)/Failure to follow proper call-in procedure	Warning	Written Reprimand	2 days suspension	3 days 5th - 5 days 6th - 10 days 7thDismissal
8. Failure to report to work (unexcused absence)	2 days suspension	3 days suspension	5 days suspension	Dismissal
9. Refusal to sign performance appraisal or other ADOC official documents	Written Reprimand	2 days suspension	5 days suspension	Dismissal
10. Failure to perform job properly, not resulting in actual consequences	Written Reprimand	2 days suspension	5 days suspension	Dismissal
11. Failure to follow supervisor's instructions; non-compliance with policies and procedures	Written Reprimand	2 days suspension	5 days suspension	Dismissal
12. Leaving assigned post and/or work station before the end of the shift/work day without permission from proper authority or proper relief and no serious consequences occur.	Written Reprimand	2 days suspension	5 days suspension	Dismissal
13. Disagreeable behavior, including lack of cooperation and insubordination	Written Reprimand	2 days suspension	5 days suspension	Dismissal
14. Failure to immediately report to proper authority (supervisor) the violation of any rule, practice, or policy that results in minor consequences	Written Reprimand	2 days suspension	5 days suspension	Dismissal
15. Violation of safety/security regulation /procedures when the consequences are serious, but consequences do not occur.	Written Reprimand	2 days suspension	5 days suspension	Dismissal
16. Inattention to the job	Written Reprimand	2 days suspension	5 days suspension	Dismissal
17. Taking into any ADOC facility any article, item, or property which is not authorized by regulation, or without the approval of the Warden/Director	Written Reprimand	2 days suspension	5 days suspension	Dismissal
18. Serious violations of rules, policies, procedures, regulations, laws, or reasonable conduct expectations	Written Reprimand	2 days suspension	5 days suspension	Dismissal
19. Misuse of state equipment or supplies resulting in loss or damage	Written Reprimand	2 days suspension	5 days suspension	Dismissal
20. Use of abusive, profane, or threatening language to other employees, inmates, or the public	Written Reprimand	2 days suspension	5 days suspension	Dismissal
21. Refusal of a supervisor's instruction to remain on duty during a shortage of personnel situation and/or emergency situation	Written Reprimand	5 days suspension	10 days suspension	Dismissal
22. Failure to immediately inform and provide a written report to the Warden/Director or his/her designee, concerning any incident of arrest, conviction, or when required to appear as a defendant in any criminal court except minor traffic violations.	Written Reprimand	5 days suspension	20 days suspension	Dismissal
23. Abusive or misuse of authority, including but not limited to departmental property and/or ADOC identification cards/items.	Written Reprimand	15 days suspension	Dismissal	
24. Leaving assigned post and/or work station before the end of the shift/work day without permission from proper authority or proper relief, resulting in actual consequences.	5 days suspension	15 days suspension	Dismissal	
25. Fighting, assault, physical violence or disruptive behavior	5 days suspension	15 days suspension	Dismissal	

26. Sleeping or giving the appearance of sleeping on duty	2 days suspension	5 days suspension	15 days suspension	Dismissal
27. Abusive or excessive physical force in dealing with inmates	5 days suspension	Dismissal		
28. Harassment or discrimination as defined in Administrative Regulation 206	5 days suspension	Dismissal		
29. Failure to report violation of safety/security rules that result in injury to persons or significant damage to property.	10 days suspension	20 days suspension	Dismissal	
30. Conduct that is disgraceful, on or off the job that does adversely affect an employee's effectiveness on the job	10 days suspension	20 days suspension	Dismissal	
31. Borrowing/receiving money, or other items from, giving money/items to inmate(s) or inmate family members, corresponds with an inmate, or an inmate's family, in any capacity that is not officially required and in the line of duty.	20 days suspension	Dismissal		
32. Theft or unauthorized possession of ADOC or another individual's property	Dismissal			
33. Tampering with a drug screen sample or any similar action that may invalidate or falsify the results	Dismissal			
34. Violations of Code of Alabama, Title (Sexual Misconduct Statute)	Dismissal			
35. Refusal to submit to an alcohol/drug screening	Dismissal			
36. Possession of illegal drugs or apposite drug screen.	Dismissal			
37. Reporting to work under the influence of illegal substances and/or drugs	Dismissal			
38. Failure to meet APOSTC certification and maintain standards	Dismissal			
39. Gross negligence that allows inmate(s) to escape	Dismissal			
40. Refusal to submit to a personal search, or search of personal property, or vehicle on institutional property, when required by proper authority	Dismissal			
41. Giving false information or verbal/written statement in connection with employment, an investigation or injury	Dismissal			
42. Deliberate breach of security that may result in escape or riot	Dismissal			
43. Conviction of a felony that disqualifies the employee in the job classification in which employed	Dismissal			

Table of Infractions/Level of Discipline - Annex H to AR 208 (page 2 of 2)